

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/21/2021

Edvin Ruis, et al., individually and on behalf
of all other similarly situated

Plaintiff(s),

-v-

International Business Machines Corp.

Defendant(s).

Case No. 18 –CV- 8434 (VEC)

STIPULATION

Plaintiffs Edvin Ruis, Henry Gerrits, Phil McGonegal, and David Ho Eng (collectively “Plaintiffs”), on the one hand, and Defendant International Business Machines Corp. (“Defendant” or “IBM”), jointly submit the following stipulation.

WHEREAS, Plaintiffs Edvin Ruis, Henry Gerrits, and Phil McGonegal, individually and on behalf of all other allegedly similarly situated employees, by and through their undersigned counsel, filed a Class and Collective Action Complaint against IBM on September 17, 2018;

WHEREAS, Plaintiffs Edvin Ruis, Henry Gerrits, Phil McGonegal, and David Ho Eng, individually and on behalf of all other allegedly similarly situated employees, by and through their undersigned counsel, filed a Class and Collective Action Amended Complaint (“First Amended Complaint”) against IBM on December 11, 2018;

WHEREAS, in its May 13, 2021 Order (“Order”) (Dkt. 163), this Court permitted parties in the captioned proceedings to file motions to amend pleadings or join additional parties within 30 days from the date of the Order;

WHEREAS, on June 11, 2021, Plaintiffs Edvin Ruis, Henry Gerrits, Phil McGonegal, and David Ho Eng, individually and on behalf of all other allegedly similarly situated employees, by and through their undersigned counsel, filed a motion for leave to file a proposed Second

Amended Complaint (“Proposed Second Amended Complaint”) seeking to add: (i) opt-ins Brian Haupt, Philip Monson, Claudia Ziegler, and John Mason and non-party Sally Gehring as named plaintiffs; and (ii) state law claims for age discrimination under Massachusetts and New York law.

NOW IT IS STIPULATED AND AGREED, by and between the undersigned attorneys of record for the Plaintiffs and for the Defendant, that:

- i. Plaintiffs should be permitted to file the Proposed Second Amended Complaint, attached as Exhibit A to Plaintiffs’ motion filed on June 11, 2021 (Dkt. 166, Ex. A);
- ii. Pursuant to Fed. R. Civ. P. 15, Defendant will move, plead, or otherwise respond to the Second Amended Complaint within 14 days from the date Plaintiffs serve it upon Defendant; and
- iii. Defendant reserves all rights to fully contest the allegations and claims in the Proposed Second Amended Complaint and, in entering into this stipulation, does not in any way concede that such allegations or claims have merit.

So Stipulated agreed:

LICHTEN & LISS-RIORDAN, P.C
Attorney for Plaintiffs

JONES DAY
Attorney for Defendant

By: /s/ Shannon Liss-Riordan
Shannon Liss-Riordan
Thomas Fowler
729 Boylston Street, Suite 2000
Boston, MA 02116

By: /s/ Matthew W. Lampe
Matthew W. Lampe
Kristina A. Yost
Ira Handa
250 Vesey Street
New York, New York 10281

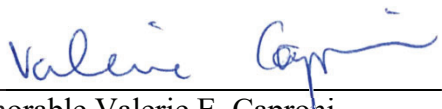
Alison B. Marshall
51 Louisiana Avenue, N.W.
Washington, DC 20001

Dated: July 2, 2021

Dated: July 2, 2021

SO ORDERED:

Dated: July 21, 2021

/s/ 

Honorable Valerie E. Caproni
United States District Judge